

REMARKS

Claims 1-20 are pending in the application.

Claims 1-20 are rejected.

Claims 6-20 are objected to.

Claims 1, 6-15 and 17-20 have been amended.

I. Drawings

The drawings are objected to because they fail to include a legend for the block elements and Figs. 5-8 are hard to read. Formal drawings are provided herewith. Therefore, withdrawal of this objection is requested.

II. Claim Objections

Claims 6-20 are objected to because the numbering of these claims is not in accordance with 37 CFR 1.126. Applicant has renumbered these claims as suggested by the Office Action.

III. 35 U.S.C. § 102

Claims 1-5 and 11-12 (renumbered claims 12 and 13) are rejected as being anticipated by Epstein (U.S. Patent No. 6,529,600). The Office Action asserts that Epstein teaches each element of claim 1. At 4.

Claim 1 has been amended to recite that the interference is imposed without changing the frame rate of the projector. This is distinct from Epstein. Epstein supposedly prevents the piracy of movies by changing frequently the frame rate of the projector so as to inhibit synchronization by the recording camera. See col. 2, lines 5-8. Amended claim 1 imposes an interference without varying the projector frame frequency. Therefore, amended claim 1 is not anticipated by Epstein.

With respect to renumbered claim 12, the Office Action contends that every element is disclosed by Epstein. Applicant has amended claim 12 to recite that the interference is imposed without varying the projector image frame frequency. Applicant repeats the same remarks set forth in this respect as regards amended claim 1, as these remarks are applicable in response to the rejections of renumbered claim 12 as amended. Accordingly, renumbered claim 12 is not anticipated by Epstein. Regarding claims 2-5 and renumbered claim 13, these claims depend from claims 1 and renumbered claim 12 directly or indirectly, and therefore are allowable for at least the reasons set forth with respect to claim 1.

IV. 35 U.S.C. § 103

A. Epstein and Wrobleski References

The Office Action rejected claims 9 and 15, renumbered claims 10 and 18, under 35 U.S.C. 103(a) as being unpatentable over Epstein in view of Wrobleski et al. (U.S. Patent No. 6,018,374).

These claims depend from claims 1 and renumbered claim 12, respectively, and therefore are allowable for at least the reasons set forth with respect to claims 1 and renumbered claim 12. Furthermore, Epstein cannot be modified in view of Wrobleski as the Office Action suggests. Epstein teaches directly varying the frame rate of the projector to combat synchronization by the recording camera, and does not use an interfering element such as a light source. There would be no motivation to use a light source to replace the varying frame rate projector shown in Epstein, because such use would not combat synchronization of the recording camera with the projector frame rate. To do so would undo the very purpose of the supposed anti-piracy solution disclosed in Epstein.

B. Epstein and Sato References

Claims 6-8, 10, 13-14 and 16-20 (renumbered claims 7-9, 11, 14-15, 19, 20, 17 and 6, and original claim 16) are rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein in view of Sato (U.S. Patent No. 6,041,158).

There Is No Teaching Or Incentive, Found In The References Themselves, To Combine The Two References

The Office Action states that it would have been obvious to one of ordinary skill in the art to combine the two references, in order to achieve the features in these claims. For example, regarding renumbered claim 7, the Office States that the motivation to combine would be “because separation of the image into its distinct colors allows modulation to be performed on any of the colors to prevent successful reproduction of copied images.” At 10. But the Office Action does not cite either reference for the desire to separate and modulate colors to combat piracy. It is submitted that the advantages are found in applicant’s disclosure rather than in the references. Applicant respectfully reminds the Examiner that

[o]bviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of referenced can be combined only if there is some suggestion or incentive to do so.” ACS Hosp. Systems Inc. v. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984).

Likewise, for the remaining claims rejected over Epstein in view of Sato, the Office Action does not rely upon a motivation found in the references to combine them in the manner recited in the claims. Applicant respectfully requests for each such combination that the Office Action specifically set forth by column and line the motivation to make the proposed combinations.

Moreover, the two references are in non-analogous fields of art. Epstein is directed to preventing videotape piracy of material from projected images. Sato is directed to preventing tape to tape copying using color stripe processing techniques. It does not purport to have

application with combating piracy of projected images. Therefore, one of ordinary skill in the art will not combine the two references, as asserted by the Office Action.

The Proposed Combination Still Does Not Teach Every Element of the Rejected Claims.

Renumbered claim 7 depends from claim 1 and is patentable for the reasons stated above. Furthermore, the claim recites the step of separating the projected images into a plurality of colors and at least one of the plurality of colors is modulated. The Office Action, referring to col. 6, lines 5-8 and Fig. 4, indicates that Sato teaches separating the image into a plurality of colors. However, the cited portion of Sato only mentions one color signal C and a luminance signal Y, and does not teach separating the image into a plurality of colors. Renumbered claim 8 depends from renumbered claim 7 and is patentable for at least the same reasons as claim 7. Furthermore, this claim recites that the modulating step includes changing a time relationship of one color with respect to another color, which is not shown in either reference.

Finally, renumbered claim 9 depends from renumbered claim 8 and is patentable for at least the same reasons.

With respect to renumbered claim 11, the claim has been amended to recite that the blanking step is carried out without varying the projector frame frequency. Further, renumbered claim 11 comprises the step of blanking a projected image at a humanly imperceptible blanking frequency. The Office Action, referring to col. 8, lines 41-45, indicates that this portion of Sato teaches these features. The cited portion, however, only teaches that the line intervals of the video signal are included in the vertical blanking interval. It has noting to do with projected images, let alone blanking a projected image at a humanly imperceptible blanking frequency. The claim is therefore distinguished over Epstein in view Sato.

The Office Action further rejected claims 13, 14 and 16-20, which are now renumbered claims 14, 15, claim 16, renumbered claims 19, 20, 17 and 6, respectively. Renumbered claims 14, 15, claim 16, renumbered claims 19, 20 and 17 depend directly or indirectly from claim 12, and are patentable for the reasons set forth above. In addition, at least renumbered claims 19 and 20 include determining spatial entities for color modulation. The Office Action states that determining spatial entities is shown in Sato by using the horizontal sync and burst signal; however, the Office Action does not explain how such would determine the presence of a spatial entity for color modulation.

Renumbered claim 6 depends from claim 3 and is distinguished over Epstein for at least the reasons stated with respect to claim 3. Additionally, renumbered claim 6 recites the step of separating spatial entities into component colors which is not shown in the references, as explained above.

V. Summary

Having fully addressed the Examiner's objections and rejections, it is believed that in view of the preceding remarks, this entire application stands in a condition for allowance. If, however, the Examiner is of the opinion that such action cannot be taken, he is invited to contact the applicants' attorney at the number and address below in order that any outstanding issues may be resolved without the necessity of issuing a further Action. An early and favorable response is earnestly solicited.

Please address all future correspondence to Intellectual Property Docket Administrator, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, One Riverfront Plaza, Newark, NJ 07102-5496. Telephone calls should be made to Vincent E. McGahey at (973) 596-4837 or (973) 596-4500.

VI. Fees

If any additional fees are due in respect to this amendment, please also charge them to Deposit Account No. 03-3839.

Respectfully submitted,



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